(See other side)

YEAS (45)		NAYS (52)		NOT VOTING (2)	
Republicans	**Democrats**	**Republicans**	**Democrats**	**Republicans**	**Democrats**
(4 or 8%)	**(41 or 91%)**	**(48 or 92%)**	**(4 or 9%)**	**(2)**	**(0)**

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LIVE PAIRS:
Present and giving: Roth-PY
Receiving: Murkowski-PN

EXPLANATION OF ABSENCE:
1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

that is only because in the prior cases those judges found that the Forest Service and the BLM had done the required survey work. Since the two new rulings were made both the Forest Service and the BLM have busily begun work to comply with them, and they do not anticipate large delays in logging. In fact, we have received a letter from the Secretaries of Agriculture and Interior stating that they believe that enactment of this rider would have the effect of causing greater litigation and delays because it would impose a new standard other than the one just defined in court. Some of us sympathize with our colleagues' frustration that rural timber communities in their States have been hurt badly by this Administration's timber policies. However, we remind them that Federal forests are owned by the public, not by those rural communities. We have a duty to protect the plants and animals of those forests. Doing this survey work will not prove burdensome. We urge our colleagues to support the Robb amendment.

Those opposing the amendment contended:

Section 329 has been included to stop the Clinton Administration from hiding behind the skirts of two judges whose recent decisions on timber harvesting will make such harvesting impossible. This section will have the force of law for just 1 year. It provides that the Administration will only have to use the same environmental standard for timber harvesting that has been followed for the last 20 years, but, if it wants, it can follow the stricter standard just made up by these judges. The Clinton Administration does not want to be put in that position, because if it adopted the judges' standard then it, not the judges, would be to blame for ending timber harvesting. The Administration opposes timber harvesting, but it has promised, at least to loggers in the Northwest, to allow a small amount of logging on Federal lands to continue. It is fighting our efforts to pass section 329 so that the judges' decisions will effectively break its promise for it.

We believe those judges overstepped their bounds. Their decisions were legislative, not judicial. For about 20 years, when deciding if timber may be harvested from an area, the Forest Service and the BLM have used the standard used by the Endangered Species Act (ESA). The ESA concentrates on making sure that the habitat is healthy. It does not try to conduct a census of each of the individual species in an area for which a management change is being considered. Over the years, three circuit court decisions and nine district court decisions have upheld the standard being used by Federal agencies. This year, though, the 11th Circuit overruled a lower court decision and demanded that every proposed, endangered, threatened, sensitive, and management indicator species of plant and animal be counted in an area before any timber harvesting would be allowed. The cost of doing just one such survey for a species is $8,000; if this rule were applied for every timber harvest on Federal lands nationwide the annual cost would be close to $9 billion. In practice, though, the cost would be zero, because it would end up making every timber harvest cost more than the Federal Government would collect in revenue. Such harvests are not approved. Almost immediately after the 11th Circuit came up with its brand new legislative decision, an activist judge in the Pacific Northwest decided to apply it to harvesting in Oregon and Washington. He based his ruling on the fact that the Northwest Forest Plan stated that 77 species of fungi, lichens, mosses, snails, and slugs, and 1 species of rodent (the red tree vole), would be monitored. The Government has yet to figure out how to conduct surveys of 32 of those species. According to that activist judge, no trees will be cut in the Pacific Northwest on Federal lands until each of those species in the proposed harvest areas are counted. Of course, such a count would be scientifically meaningless, because it would reveal nothing about the numbers of any of those species in the 88 percent of Federal Northwest forests that the Clinton Administration has said may not be harvested.

Throughout his presidency President Clinton has conducted an unrelenting war against any human use of natural resources on Federal lands. This war has had devastating effects in the West: the Federal Government owns 50 percent or more of the land in many Western States, and the economies in those States rely heavily on natural resource activities. This war reflects a shift in the environmental movement in the United States, which has gone from being focused on protecting and preserving the environment and species to being more concerned with having a "natural"environment, meaning unaffected by human activity. Environmentalists have mainly used the courts to pursue their new goals. In many cases they have misused the courts by filing unethical suits, not with the intent to win, but to delay and cause economic hardship. Radical environmentalists and the Clinton Administration have succeeded in sharply reducing timber harvesting from Federal lands. The result has been a large increase in the size and intensity of forest fires because of the amount of dead, dying, and diseased timber that has been allowed to build up. The intensity of some of the resulting fires has literally baked the ground, resulting in swift runoff and pollution of waterways, and those fires that have burned have contained numerous endangered species of plants and animals. For many of today's radical environmentalists, it does not matter if huge fires result in the complete elimination of some species, because such fires are "natural." Environmentalists will not all ow harvesting that could prevent massive fires and save endangered species.

President Clinton campaigned on a promise that he would come up with a plan to allow sustainable timber harvesting in the Pacific Northwest. His plan, when he issued it, fell far short of what he promised. His plan, which is still in effect, allows a maximum harvest of just 20 percent of the previous harvest level. In practice, it has resulted in harvests of just 10 percent of previous harvest levels. We do not believe that he has kept his promise with this stingy plan. We believe that he would happily stop this remaining 10 percent of harvesting if he thought he could do so without causing himself political harm, and he would likewise stop timber harvesting on Federal lands in Montana, Idaho, Alaska, and every other public lands State. The rulings by these two activist judges are a political gift to President Clinton. They give him the legislative results he wants without having to take any of the accountability. He should not be allowed to have that dodge. We urge our colleagues to oppose the Robb amendment.